

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

PENSCO TRUST COMPANY
CUSTODIAN FBO JEFFREY D.
HERMANN, IRA ACCOUNT NUMBER
20005343,

Plaintiff,

v.

LORINA DEL FIERRO, *ET AL.*,

Defendants.

CASE NO. C16-01926RSM

ORDER TO SHOW CAUSE AND
DIRECTING REVISED PROPOSED
JUDGMENT SUMMARY

This matter comes before the Court on Plaintiff PENSCO Trust Company, f/b/o Jeffrey D. Herman (“PENSCO”)’s motion for entry of judgment, Dkt. #65, and this Court’s previous order directing a revised proposed judgment, Dkt. #80.

On October 13, 2020, this Court granted Plaintiff’s revised motion for judgment. *Id.* The Court found that PENSCO sufficiently supported its requested judgment in the amount of \$1,182,303.64, but that the proposed post-judgment interest rate of 12% was improper under federal law. *See id.* at 4 (“In diversity actions brought in federal court, a prevailing plaintiff is entitled to pre-judgment interest at state law rates while post-judgment interest is determined by federal law. . . . The federal rate of interest on a judgment is governed by 28 U.S.C. § 1961 and adopts the applicable treasury rate published by the Board of Governors of the Federal Reserve.”).

1 Section 1961 provides that the post-judgment interest rate shall be calculated “at a rate equal to
2 the weekly average 1-year constant maturity Treasury yield, as published by the Board of
3 Governors of the Federal Reserve System, for the calendar week preceding.” 28 U.S.C. § 1961(a).
4 From the Court’s review, the federal post-judgment interest rate at this time would be 0.13%.

5 The Court is in receipt of PENSCO’s proposed judgment submitted to this Court’s e-mail
6 orders address on October 27, 2020. Pursuant to this Court’s local rules, PENSCO is directed to
7 file any future proposed orders on the public docket in addition to submitting a Word document
8 version to the e-mail orders address. *See* LCR 7(b). Furthermore, PENSCO’s proposed order lists
9 the Washington post-judgment interest rate of 12% as the applicable rate, which appears
10 inconsistent with the post-judgment rate set forth under 28 U.S.C. § 1961(a).

11 PENSCO is hereby ORDERED to show cause why 12% is the applicable judgment interest
12 rate in this matter or, alternatively, to revise the rate in its proposed judgment to the appropriate
13 federal rate. As part of its response to this show cause order, PENSCO shall attach a revised
14 proposed judgment for entry by this Court that sets forth the judgment summary, including the
15 principal judgment amount, pre-judgment interest, and post-judgment interest rate on the principal
16 amount. This response containing the detail set forth above is due within **seven (7) days** from the
17 date of this Order.
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21 DATED this 2nd day of November, 2020.
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25 RICARDO S. MARTINEZ
26 CHIEF UNITED STATES DISTRICT JUDGE
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